IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 8063 OF 2007

Nandkumar Bhaskar Nair .... Petitioner

versus

Deputy Registrar, Co-operative Societies & others ..... Respondent.

Shri Anilkumar Patil forthe petitioner
Shri Y.R.Naik for respondent no.2.
Mrs. P.S.Cardozo AGP for Respondents 1,7 & 8.

CORAM; A.P. DESHPANDE, J.
DATED; 29TH OCTOBER, 2007

P.C.;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent of parties.

2. The present petitioner had earlier filed W.P.No. 1694/06, being aggrieved by the issuance of recovery cetificate against the petitioner and in favour of the respondent/bank under section 101 of the Maharashtra Co-operative Societeis Act by the Deputy Registrar. This court declined to entertain the writ petition. However granted liberty to the petitioner to file a revision after complying with the requirement of section 154(2A) of the Act by depositing 50% of the

recoverable dues before entertaining the revision. According to the petitioner, the petitioner has already deposited 50% of the amount and the same is also obvious from the chart finding place in para 3 of the impugned order. It is undisputed that the petitioner has infact deposited a sum of Rs. 11,43,148/-. The learned counsel for the respondent bank does not dispute the fact that the petitioner has infact deposited about 50% of the recoverable dues. By the impugned order the revision petition has been dismissed for non-complaince of requirement of sub section (2-A) of section 154.

3. The learned counsel for the petitioner submits that the impugned order was passed behind the back of the petitioner and hence it suffers from an error apparent on the face of the record, as it is not in dispute that the petitioner has complied with the provisions of section 154(2-A). The impugned order is quashed and set aside. The revision dismissed by the court is restored to file. The revisional authority shall proceed to hear and decide the revision on its own merit and in accordance with the law. Rule made absolute in above terms. Having regard to the nature of the dispute I deem it appropriate to direct the Dvl.Joint Registrar to decide the revision as expeditiously as possible and preferably within a

period of four months from today.

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